



March 19, 1999

ENGROSSED HOUSE BILL No. 1544

DIGEST OF HB 1544 (Updated March 17, 1999 1:18 pm - DI 51)

Citations Affected: IC 36-7.

Synopsis: Environmental liens in Tippecanoe County and Columbia City. Authorizes an environmental response financing board in Tippecanoe County or Columbia City to impose an environmental lien on a landfill or industrial site in existence on July 1, 1994, to recover payments made to the board to finance the cleanup of hazardous substances at the site.

Effective: January 1, 1999 (retroactive).

Klinker, Sturtz, Scholer, Bosma
(SENATE SPONSORS — ALTING, GARD, WOLF, HARRISON)

January 19, 1999, read first time and referred to Committee on Environmental Affairs.
February 10, 1999, reported — Do Pass.
February 15, 1999, read second time, ordered engrossed. Engrossed.
February 16, 1999, read third time, passed. Yeas 94, nays 0.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Judiciary.
March 18, 1999, amended, reported favorably — Do Pass.

EH 1544—LS 7492/DI 44+



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March 19, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED HOUSE BILL No. 1544

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-7-29-22.5 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: **Sec. 22.5. (a)**
4 **After removal or remedial action is initiated under this chapter,**
5 **the district may impose a lien on the property on which the**
6 **removal or remedial action is undertaken. The lien may secure the**
7 **payment to the district of an amount of money equal to the amount**
8 **of money expended periodically by the district to finance the**
9 **removal or remedial action.**
10 **(b) In order to perfect a lien arising under subsection (a), the**
11 **district must file notice of the lien in the office of the county**
12 **recorder. At least thirty (30) days before filing notice of the lien in**
13 **the office of the county recorder, the district must provide by**
14 **certified mail to:**
15 **(1) the owner of the real property that would be subject to the**
16 **lien, at the owner's last known address; or**

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(2) the tenant or other person having control of the real property that would be subject to the lien, at the last known address of the tenant or other person, if the owner of record cannot be identified;

a written notice of the date on which the district intends to impose a lien under subsection (a). The district shall also provide the county recorder with a copy of the written notice required by this subsection.

(c) When a notice of a lien arising under subsection (a) is presented to the county recorder for filing, the county recorder shall enter the lien appropriately in the entry book and in the miscellaneous record. The entries made under this subsection must show the following:

- (1) The date of filing.
- (2) The book and page number or instrument number.
- (3) The name of the person named in the notice.
- (4) A legal description of the property if appropriate.
- (5) A serial number or other identifying number given in the notice.

(d) After a notice of a lien is filed with the county recorder under subsection (c), the district shall provide notice of the filing of the lien by certified mail to:

- (1) the owner of the property that is subject to the lien, at the owner's last known address; or
- (2) the tenant or other person having control of the property that is subject to the lien, at the last known address of the tenant or other person, if the owner of record cannot be identified.

(e) Subject to subsection (f), when a certificate of discharge of a lien arising under this section is:

- (1) issued by the board or its designated representative; and
- (2) presented for filing in the office of the county recorder;

the county recorder shall record the certificate of discharge as a release of the lien.

(f) To be recorded under subsection (e), the certificate must refer to the county recorder's book and page number or instrument number under which the lien was recorded.

(g) When recording a release of a lien under subsection (e), the county recorder shall inscribe, in the margin of each entry made to record the lien under subsection (d), a reference to the place where the release is recorded.

(h) Upon:



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1 (1) the recording of the certificate of discharge as a release
2 under subsection (e); and

3 (2) the inscribing of the references to the release under this
4 section;

5 a certificate of discharge of a lien arising under subsection (a)
6 operates as a full discharge and satisfaction of the lien unless the
7 references to the release inscribed under subsection (e) specifically
8 note the release as a partial lien release.

9 (i) A lien created under subsection (a) continues until the earlier
10 of the following:

11 (1) The full discharge and satisfaction of the lien.

12 (2) The expiration of a twenty (20) year period from the date
13 of the creation of the lien, unless an action to foreclose the lien
14 is pending.

15 SECTION 2. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1544, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STURTZ, Chair

Committee Vote: yeas 9, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1544, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 17, after "real" insert "**property that would be subject to the lien, at the last known**".

and when so amended that said bill do pass.

(Reference is to HB 1544 as printed February 11, 1999.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 1.

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